

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CR-66-D
No. 5:16-CV-611-D

JEROME MAUREASE JONES,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
)

ORDER


On March 30, 2016, Jerome Maurease Jones (“Jones”) moved to reduce his sentence pursuant to Johnson v. United States, 135 S. Ct. 2551 (2015) [D.E. 52]. On June 27, 2016, Jones moved pursuant to 28 U.S.C. § 2255 and Johnson to vacate, set aside, or correct his 230-month sentence [D.E. 59] and for leave to file a successive motion under section 2255 [D.E. 60]. On June 28, 2016, Jones filed a corrected motion to vacate under section 2255 [D.E. 61]. On October 18, 2016, the government moved to dismiss Jones’s motions [D.E. 67] and filed a supporting memorandum [D.E. 68]. On May 1, 2017, the court ordered the government to obtain and file Shepard-approved documents concerning the convictions described in paragraphs 7, 12, 16, and 17 of Jones’s Presentence Investigation Report [D.E. 71].

On May 11, 2017, the government responded to the court’s May 1, 2017, order [D.E. 72]. On May 11, 2017, the court ordered the government to advise the court whether it believes Jones continues to qualify as an armed career criminal [D.E. 73]. On May 18, 2017, Jones filed a motion for immediate release [D.E. 74]. On May 25, 2017, the government responded to the court’s May 11, 2017 order and advised the court that Jones no longer has three predicate convictions to qualify

as an armed career criminal [D.E. 75]. Thus, the government believes that Jones should be resentenced with a statutory maximum of 120 months' imprisonment. Id.

The court DENIES as moot Jones's motion for reduction of sentence [D.E. 52], GRANTS Jones's motion for leave to file [D.E. 60], DENIES the government's motion to dismiss [D.E. 67], DENIES without prejudice Jones's motion for immediate release [D.E. 74], and GRANTS Jones's motions to vacate his 230-month sentence [D.E. 59, 61]. Given that this court sentenced Jones on November 7, 2006, and that the statutory maximum sentence without the armed career criminal enhancement is 120 months' imprisonment, the government and Jones shall advise the court not later than May 31, 2017, whether either party opposes the court entering an amended judgment sentencing Jones to 120 months' imprisonment (with credit for time served) and reducing Jones's supervised release term to one year.

SO ORDERED. This 26 day of May 2017.



JAMES C. DEVER III
Chief United States District Judge